IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.9420 OF 2004

1. Shri Appa Jaiwant Kakade and ors. Petitioners

Vs

1. Sou. Varsha Tanaji Kakade and anr Respondents

Mr Ambar Joshi, for the petitioners.

CORAM : D.B.BHOSALE,J.

DATE : 6th December, 2004.

PC:

1. Heard the learned counsel for the petitioners.

2. This petition is directed against the order dated 2.8.2004 passed by the trial Court below Exhibit-5 in Regular Civil Suit No.101 of 2003. The application Exhibit-5 was filed by the respondents-plaintiffs seeking interim maintenance from petitioner nos.1 and 4. They are father-in-law and husband respectively, of respondent no.1. Respondent no.2 is the son of respondent no.1. She has filed the suit seeking declaration that Gat No.69 admeasuring 65 Ares is her Stridhan and also partition of all joint family properties. I would not like to examine the submission of Mr Joshi, learned counsel for the petitioner at this stage, whether a woman can seek partition of the joint family properties in the life time of her husband, in

view of her first prayer in the suit, and leave it to the trial Court to decide it during trial. I have perused the impugned order by which petitioner no.4, alone is directed to pay Rs.700/-p.m. to respondent no.1 and Rs.500/- p.m. to respondent no.2, who is hardly two years old. After having heard the learned counsel for the petitioner and perused the impugned order and other material placed before me, I see no reason to exercise the writ jurisdiction under Article 227 of the Constitution of India. I am satisfied that by the impugned order substantial justice has been done. The writ petition, therefore, fails and is dismissed as such.

(D.B.BHOSALE, J.)